



**In the Matter Of:**

**Mongelli**

**v.**

**Red Clay Consolidated School District**

**C.A. # 05-359 SLR**

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**Transcript of:**

**Mongelli, Christina**

**March 30, 2006**

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CHRISTINA MONGELLI

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1 BY MR. WILLOUGHBY:

2 Q All right. We have marked Exhibits 1 through 7.

3 A There is one missing.

4 Q All right. And these are disciplinary referrals you  
5 made for a student named Jonathan White?

6 A Yes.

7 Q And do you have any idea how many students referrals  
8 for discipline you made when you were a teacher at Dickinson  
9 between February of 2004 and June of 2004?

10 A For this student?

11 Q No, total.

12 A No, I don't.

13 Q You made a lot?

14 A Not more than any other teacher.

15 Q You don't think so? Does the number like 80 sound  
16 about right for that time frame?

17 A I don't know.

18 MR. WILLOUGHBY: Let's mark this as the next  
19 exhibit.

20 (Mongelli Deposition Exhibit No. 8 was  
21 marked for identification.)

22 BY MR. WILLOUGHBY:

23 Q I have handed you a document marked Exhibit 8. I'm  
24 going to represent to you it's a summary of disciplinary



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1 referrals you made during your employment.

2 Do you recognize the names of these students?

3 A Yes.

4 Q And do these all look like referrals you made?

5 MR. BERNSTEIN: Take as much time as you need  
6 to look at them.

7 THE WITNESS: Okay. I didn't put any of these  
8 categories on here.

9 BY MR. WILLOUGHBY:

10 Q I didn't say you created the document. What I'm  
11 saying is, doesn't this look like an accurate representation  
12 of the disciplinary referrals you made when you were at  
13 Dickinson during that time frame?

14 A Yes.

15 Q And your testimony is you think that's no more than  
16 any other teacher?

17 A Considering the class that I had and the teacher  
18 previously before me.

19 Q My question is not considering the students. Do you  
20 think this is more than most teachers at Dickinson had  
21 during that time frame?

22 A I'm not aware. I don't know how many referrals the  
23 other teachers had.

24 Q So you don't know?



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1 A No.

2 Q And you don't know what the other special ed  
3 teachers had either, correct?

4 A No.

5 Q All right. Now, you reviewed Exhibits 1 through 7  
6 before coming in for your deposition today, is that right?

7 A Yes.

8 Q Did you review any other documents?

9 A No.

10 Q Did you look at the complaint that was filed in  
11 court by you in this case? Did you review that?

12 A Yes.

13 Q Did you review your interrogatory answers, questions  
14 that we sent to you?

15 A Yes.

16 Q Did you look at any other kinds of documents?

17 A Just today, you mean?

18 Q No. In preparing for your deposition at any point.  
19 Whether it was last week, two weeks ago, whenever.

20 A No. Just those documents.

21 Q Okay.

22 MR. WILLOUGHBY: Let's mark this the next  
23 exhibit.

24 (Mongelli Deposition Exhibit No. 9 was



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1 Q Do you plan on returning to teaching?

2 A I'm not sure. This experience has -- it's been a  
3 terrible experience and it's still one I'm trying to get  
4 over and I just feel safer working in a bank.

5 Q Safer?

6 A Yes.

7 Q From the students?

8 A From the students and the administration.

9 Q You don't plan on pursuing a career in teaching  
10 special education students?

11 A No.

12 Q All right. Going back to your conversation with  
13 Janet Lacy. Were there any other conversations you had with  
14 her or did you finish that conversation with the  
15 termination? Was there more said in that conversation?

16 A Yeah. We talked about different things.

17 Q What else did you discuss?

18 A She said, oh, maybe it's for the best. You'll move  
19 on.

20 Q What did you say?

21 A I said, yeah, I said -- I said I couldn't deal with  
22 the school district anymore the way they treated me. Not  
23 only during my time at Dickinson, but also at Warner.

24 Q Okay. What else did you say?



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1 Q Did you graduate with honors or any other kind of  
2 special commendations?

3 A No.

4 Q Now, you also went to Hofstra for a graduate degree?

5 A Yes.

6 Q And what was that in?

7 A Reading. Teaching with a specialization in reading.

8 Q And what was your graduate degree? Was it a  
9 master's degree?

10 A Yes.

11 Q And was it in teaching and a specialization with  
12 reading?

13 A Yes.

14 Q And what was your grade there, GPA?

15 A I don't remember. It was higher than the 3.3.  
16 Maybe 3.4, 3.5.

17 Q Did you have any special honors or commendations at  
18 graduation for the master's?

19 A No.

20 Q I know you're anticipating my questions. So let me  
21 finish it so the court reporter can get my question all the  
22 way out before you answer.

23 A Okay.

24 Q Did you take any courses in dealing with special



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1 education students in your graduate work?

2 A When you learn teaching reading, it's how to teach  
3 kids who are at a lower level. So I would consider them all  
4 to be --

5 Q Did you take any special courses dealing with  
6 special education students?

7 A I have taken abnormal psychology, child psychology.  
8 And besides the one I told you about, child -- is another  
9 one, child psychology.

10 Q That deals with children in general, correct?

11 A Well, yeah. The exceptional child is a separate  
12 course, though.

13 Q Did you have any other courses beside that  
14 exceptional child course that you talked about dealing  
15 specifically with special education students?

16 A Let me just think. I don't think so.

17 Q Is it fair to say that you, at graduation from  
18 Hofstra with a master's degree, you would not have been  
19 qualified to get a standard certificate in teaching special  
20 education courses?

21 A Not in New York State.

22 Q Or in Delaware? You didn't have the educational  
23 background for that particular teaching?

24 A Well, I have a temporary license here.



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1 Q I'm talking about a standard, a regular standard,  
2 putting aside the temporary license.

3 A Right.

4 Q So you didn't have that kind of special education in  
5 your educational background?

6 A Right.

7 MR. WILLOUGHBY: Off the record.

8 (Discussion held off the record.)

9 MR. WILLOUGHBY: Let's mark this as the next  
10 exhibit.

11 (Mongelli Deposition Exhibit No. 11 was marked  
12 for identification.)

13 BY MR. WILLOUGHBY:

14 Q Do you recognize that letter?

15 A Yes.

16 Q And what is it?

17 A It's a cover letter.

18 Q To whom?

19 A To Red Clay Consolidated School District.

20 Q And what's the purpose of it?

21 A To receive a job, a job at Red Clay.

22 Q And were you seeking a job in special education  
23 through this letter?

24 A I was seeking any full-time job that they had



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1 available.

2 Q Okay. What does the first sentence of your letter  
3 say?

4 A The purpose of this letter is to convey my interest  
5 in an elementary teacher position or reading teacher in the  
6 Red Clay Consolidated School District.

7 Q Now, why did you move to Delaware from Hicksville in  
8 New York?

9 A My brother had lived here for about 17 years. And  
10 Long Island -- I visited Delaware. I liked it here. I  
11 liked the people. I liked the slower pace of life. And  
12 it's also less expensive than New York.

13 Q When did your parents move here?

14 A At the same time. We all moved together.

15 Q In September of 2003?

16 A Yes.

17 Q Did you have an existing job in New York when you  
18 moved here?

19 A Could I also just point out, I was also an academic  
20 intervention services teacher at Lee Avenue and Burns.

21 Q I see. That's in your letter.

22 A So most of those kids were special ed students.

23 Q Did you have a job when you moved here in September  
24 of 2003?



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1 Q And that's dated September 30, 2003?

2 A Yes.

3 Q And is what's represented on here accurate  
4 concerning your employment history?

5 A Yes.

6 Q Okay. You graduated with a master's degree from  
7 Hofstra in August of 1994, is that correct?

8 A Yes.

9 Q And when is the first teaching job you got?

10 A I subbed before that. I subbed in -- let me see.  
11 1991. September 1991. So I was a sub, you know, while I  
12 went to college.

13 Q You were a substitute teacher?

14 A Yes.

15 Q And where was that?

16 A My first job was at Island Trees School District.

17 Q And how often did you sub? Do you know how many  
18 days you worked?

19 A Oh, quite often. Four to five.

20 Q Per week?

21 A Yes.

22 Q And you subbed any classes that they assigned you  
23 to?

24 A Yes.



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1 Q Did you sub in any special education classes?

2 A Yes.

3 Q Which ones?

4 A What do you mean which ones?

5 Q Which grade levels? Which kind of students were you  
6 substituting for?

7 A All grades. Island Trees, they put you everywhere  
8 from kindergarten to high school up to 12th grade.

9 Q And do you have any idea how many times you  
10 substituted with a special ed class during that time?

11 A Many.

12 Q What's many mean?

13 A I just know I subbed there a lot. I did a lot of  
14 subbing for them.

15 Q After you graduated from Hofstra with a master's  
16 degree, looking at your teaching experience, it looks like  
17 to me the only full-time job you had was from October of  
18 2002 to June of 2003, is that right?

19 A No.

20 Q Where else on here --

21 A They considered permanent substitute teacher a  
22 full-time position in New York.

23 Q Well, I'm looking at what you wrote on here. The  
24 schools. Is there any position here other than that job



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1 Q And did you apply for regular teaching positions  
2 with the school district, Hicksville School District?

3 A No. Because I knew I was moving and I thought the  
4 move would be sooner than that.

5 Q So going back throughout the time that you worked at  
6 Hicksville from 1999 forward, you never applied for a  
7 full-time, for a regular position?

8 A I might have the first year. But after that, I  
9 didn't. I thought I was moving like the next year.

10 Q And you didn't receive an offer for a full-time  
11 position?

12 A No.

13 Q Were you told why?

14 A I was never interviewed for a full-time position.  
15 They were happy, what I was told by someone else, that they  
16 are glad when they have somebody as a permanent sub that  
17 they like.

18 Q Well, you were looking for a regular position and  
19 you didn't get an offer or an interview, correct?

20 A No.

21 Q That is correct?

22 A Yes.

23 Q That is correct. Okay.

24 Now, the is it Plainedge School District?



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1 was the only teaching you were doing during that time frame?

2 A No. I was a permanent sub.

3 Q You had other classes during the day?

4 A Yes.

5 Q And did you have any behavioral problems with these  
6 intervention students?

7 A No.

8 Q How old were they? What were their age groups,  
9 grades?

10 A Well, third grade is -- let's see. Eight to 11.

11 Q So you had no problems with any of those students?

12 A No.

13 Q Did you ever refer any of them for discipline?

14 A No.

15 Q When you were in any of your prior teaching  
16 positions before Red Clay, did you ever refer a student for  
17 discipline?

18 A Yes.

19 Q And what were the circumstances of that?

20 A Maybe at the high school.

21 Q And what happened?

22 A Oh, one time a boy yelled out something  
23 inappropriate in class.

24 Q And what did he yell out?



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1 A Blow job.

2 Q Okay. And was he a special ed student?

3 A Yes.

4 Q What did you do?

5 A I told the principal, the assistant principal.

6 Q And what did the assistant do?

7 A They handle situations immediately at that school.

8 It was corrected by the next day.

9 Q And what did they do?

10 A He was -- I believe he was suspended.

11 Q Anything else happen to him?

12 A No.

13 Q And you're aware, in a lot of this special education  
14 students, behavior like that is a manifestation of their  
15 disability?

16 A Yes.

17 Q And that was true with the students you had at Red  
18 Clay, including Jonathan?

19 A Yes.

20 Q Let's talk about your current job. You said you  
21 work for is it Bank of America?

22 A Yes. MBNA, now Bank of America.

23 Q And what do you do there?

24 A I'm an account manager.



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1 Q And what do you do as an account manager?

2 A I speak to people all day on the phones. I'm a  
3 small business account manager. I speak to business people  
4 all day.

5 Q And about what?

6 A About their accounts, problem solving.

7 Q Do you like that job?

8 A Yes.

9 Q What's your income there?

10 A Twenty-five thousand a year plus incentives every  
11 month.

12 Q What do you make with incentives?

13 A Usually a thousand extra a month.

14 Q Do you have any plans on leaving that job?

15 A No. I feel safe there. I feel that they are  
16 professional.

17 Q When did you apply for that position?

18 A Let's see. I started training November 7th. So  
19 before that. Sometime in October.

20 Q Of 2005?

21 A Yes. October. I handed my resume' to somebody to  
22 give to them.

23 Q Did you have any jobs between the time you left Red  
24 Clay in June of 2005 and that job in October?



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1 A After that experience, no.

2 Q All right. We marked your letter in September 2003  
3 to the school district where you applied for a position at  
4 the school district. How did you come to have the position  
5 at Dickinson in 2004? How did that come about?

6 A I was a substitute I believe from October 2003.

7 Q And was that through STS or some other --

8 A Substitute Teacher Service.

9 Q And did you apply at Red Clay to get that position  
10 or did you apply to Substitute Teacher Service?

11 A No, I didn't apply for that position. The  
12 principal, Chad Carmack, asked me when I was subbing. I was  
13 a substitute.

14 Q Maybe I confused you with my question.

15 For the substitute teaching position that you  
16 had in 2003, did you apply to Red Clay for that or to STS?

17 A STS.

18 Q So STS placed you at Dickinson?

19 A Right.

20 Q And were you placed in any particular classes or  
21 were you just called when there was a need for a teacher  
22 that day?

23 A No, they just called when there was a need.

24 Q And how many times did you substitute at Dickinson



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1 thought it would be a challenge. I said I looked to this  
2 position as a challenge.

3 Q But your primary goal was not to be a special  
4 education teacher at that point or at any point?

5 A My primary goal was to be teaching full-time.

6 Q Well, in your field of study in reading that you got  
7 your degree from Hofstra in?

8 A Um-hmm.

9 Q That was your primary emphasis?

10 A Yes.

11 Q And that's what you were looking for if you had your  
12 pick of any job, you would rather be in that position than a  
13 special ed position?

14 MR. BERNSTEIN: Do you understand the question?

15 THE WITNESS: Yes, I do. But he is trying to  
16 say that, you know, I didn't want this job.

17 BY MR. WILLOUGHBY:

18 Q I'm not saying that.

19 A I was very excited about it. So I'm not going to  
20 say I didn't want the job.

21 Q That's a different question. I didn't ask you if  
22 you didn't want the job. Obviously you took the job.

23 A Yes.

24 Q My question was, if you had the choice between a



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1 special ed position and another position dealing with say  
2 elementary reading, isn't it fair to say you would prefer to  
3 be in the field that you had studied?

4 A No. Because I looked at this job as a challenge.

5 Q So you wanted to be a special education teacher?

6 A Well, the field that I took was reading. I chose  
7 reading.

8 Q Okay. So you took the job because it was a  
9 full-time job and you thought it would be a challenge to  
10 deal with special ed students?

11 A Yes. I looked forward to it. I definitely looked  
12 forward to it.

13 Q And did you interview with anyone else besides Chad?

14 A Debra. I think I went into Debra Davenport.

15 Q And what were the discussions you had with her?

16 A Basically that I was hired and when I would start.

17 Q Was that at the district office?

18 A Yes.

19 Q Were there any other conversations about the  
20 position, what you would be doing?

21 A Not with her, no. Chad told me what grade it was  
22 and what subjects.

23 Q Have you spoken with Mr. Thompson before you  
24 accepted the position?



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1 A No.

2 Q Had you received his note before you accepted the  
3 position?

4 A Before I accepted it?

5 Q Yes.

6 A No.

7 Q Had you spoken with any of the other teachers about  
8 the makeup of the classroom before you accepted the  
9 position?

10 A No.

11 Q Had you spoken with any of the other teachers about  
12 the kids that you would be teaching before you accepted the  
13 job?

14 A Other teachers had come up to me.

15 Q And said what?

16 A They said, do you know what you're getting into?  
17 And I said, how bad can it be? I said, you know, they seem  
18 like they are small classes. And they said they put  
19 Mr. Thompson through hell and even the secretary, Chad's  
20 secretary, Donna Rotundo, said don't take it, she said,  
21 don't take that position. She said, you don't know what  
22 they put him through. And several teachers came up to me.  
23 Several.

24 Q Who else?



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1 A They said, wow, you're very brave to take on that  
2 job.

3 Q Who else can you remember coming up to you saying,  
4 making the statement you said?

5 A Let's see. I didn't know who everybody was at the  
6 time. I don't recall at the time. I was just told by  
7 several teachers after I had accepted the position.

8 Q That you shouldn't take it?

9 A Right.

10 Q And that's because they felt the students would be  
11 difficult?

12 A Yes.

13 Q But you took the position?

14 A That was after I took the position.

15 Q Did you talk to anybody before you took the position  
16 about the students and the problems, other than the  
17 secretary you described?

18 A What's her name? The head of the department. She  
19 said, it's a tough class. She said, but you will be able to  
20 do it.

21 Q And you don't remember her name?

22 A No, I don't. She left. She left that year.

23 MR. WILLOUGHBY: Would you mark this as the  
24 next exhibit, please?



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1 (Mongelli Deposition Exhibit No. 13 was  
2 marked for identification.)

3 BY MR. WILLOUGHBY:

4 Q Do you recognize Exhibit 13?

5 A Yes.

6 Q And what is that?

7 A It says, took action to appoint you to a teaching  
8 position at Dickinson, special education.

9 Q It's a letter you received?

10 A Yes.

11 Q From the school district?

12 A Yes.

13 Q And it told you that you were receiving a teaching  
14 position at Dickinson in special education?

15 A Yes.

16 Q And it says, effective January 20, 2004. So had you  
17 started already when you received this?

18 A Did I start already?

19 Q Had you already started teaching the classes?

20 A I think I did. I think I did.

21 Q And it says temporary contract?

22 A Yes.

23 Q And you understood that, to continue as a special  
24 education teacher, you would have to get additional



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1 educational requirements?

2 A Yes.

3 MR. WILLOUGHBY: Let's mark this as the next  
4 exhibit.

5 (Mongelli Deposition Exhibit No. 14 was  
6 marked for identification.)

7 BY MR. WILLOUGHBY:

8 Q Do you recognize Exhibit 14?

9 A Okay.

10 Q You received this letter?

11 A Yes.

12 Q And that's to your correct home address?

13 A Yes.

14 Q Okay. And that told you that to receive a regular  
15 standard certificate, you had to take additional course work  
16 in special education?

17 A Yes.

18 Q Looking at the --

19 A And pass the PRAXIS.

20 Q Right. Looking at Option 1. Had you matriculated  
21 in an approved program for exceptional children during the  
22 year 2004?

23 A No. I was fired from Dickinson. How could I?

24 Q You didn't enroll in a program during that school



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1 year?

2 A I was considering it. Stephanie Armstrong was  
3 trying to tell me to do it.

4 Q What did she say?

5 A She said, just go for the classes. She said -- this  
6 was in the beginning.

7 Q But you hadn't actually, before the end of  
8 June 2004, you at any time hadn't actually enrolled in an  
9 approved program for special children, is that correct?

10 A No. I was going through too much stress for what  
11 was going on in Dickinson.

12 Q It was correct you had not enrolled?

13 A Yes.

14 Q Looking at Option 2. Had you submitted passing  
15 scores for PRAXIS II in exceptional children?

16 A No.

17 Q How about PRAXIS I in exceptional children?

18 A I took that that summer and passed it.

19 Q That summer after you left?

20 A Yes.

21 Q So when you said you took the --

22 A I took it that summer right after I left.

23 Q Was it PRAXIS I in exceptional children?

24 A It was PRAXIS I.



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1 A Yes.

2 Q So this letter notified you that you had to complete  
3 these courses in order to get a certificate for teaching  
4 exceptional children, correct?

5 A Yes. And I had three years to do that.

6 Q Now, as of June of 2004 when you were notified that  
7 you were being terminated from the school district that  
8 year, had you matriculated an approved program in  
9 exceptional children seven through 12?

10 A No.

11 Q Had you submitted passing scores for the PRAXIS II  
12 tests in exceptional children?

13 A No.

14 Q Had you taken any program courses to prepare you to  
15 do that? Had you enrolled in any classes or anything else  
16 to be prepared to take the tests, PRAXIS tests, for  
17 exceptional children?

18 A No.

19 Q And am I likewise correct that you had not taken any  
20 courses as outlined under Option 3 towards completing the  
21 requirement for getting a certificate for teacher of  
22 exceptional children?

23 A No. Because I was terminated.

24 Q Right. But during that time when you were in the



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1 role of a special ed teacher between February of 2004 and  
2 when you received your notice of termination, you had not  
3 enrolled in any of these courses, is that correct?

4 A No.

5 Q It's not correct?

6 A Yes, it's correct.

7 Q It is correct. All right.

8 MR. WILLOUGHBY: Okay. Let's take a  
9 five-minute break.

10 (A brief recess was taken.)

11 BY MR. WILLOUGHBY:

12 Q I see you have in front of you a copy of the exhibit  
13 with the list of disciplinary referrals?

14 A Right.

15 Q Were you reviewing that during the break?

16 A Myself, yes.

17 Q What do you mean yourself?

18 A I looked at it, yes.

19 Q Did you discuss it with your attorney?

20 A No.

21 Q Why were you looking at that?

22 A Because I wanted to check over it more thoroughly.

23 Q And are you satisfied it's accurate?

24 A No.



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CHRISTINA MONGELLI

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1 Q What's inaccurate about it?

2 A The full amount of referrals for Jonathan White are  
3 not on there. There is only four listed there.

4 Q So there is more, not less?

5 A Yes.

6 Q So there could be additional referrals besides the  
7 82 that are listed on this exhibit?

8 A For Jonathan White, yes.

9 Q And potentially for other students?

10 A That I don't know.

11 Q All right. Just to back up one second.

12 You were discussing earlier that you were a  
13 permanent substitute in Hicksville, New York?

14 A Yes.

15 Q Were you paid on a per diem basis? Did you receive  
16 a contract? How were you compensated?

17 A Let's see. I had to sign a contract for that.

18 Q Did you receive an annual salary or did you receive  
19 a per diem?

20 A It was a contract. But it also -- it was by the  
21 day. But it was still a contract.

22 Q So it was a per diem?

23 A Yes.

24 Q Do you remember what the conversation was?



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1 A A hundred and -- around a hundred dollars a day.

2 Q Did you receive any benefits like health insurance  
3 benefits, pension benefits, anything like that on any of  
4 those teaching jobs you had at Hicksville?

5 A I belong to the New York State Teachers Retirement  
6 System. No, not health.

7 Q Well, is that something you joined yourself or is  
8 that something the school district was paying in for you?

9 A Well, I joined that myself. But they put part into  
10 it.

11 Q But you were paid basically on a per diem basis  
12 during that time?

13 A Yeah, with the contract. Right.

14 Q All right. Now, is it fair to say, going back to  
15 your employment at Dickinson High School when you received  
16 the position with the special ed classes in January/  
17 February of 2004, that right from the beginning, you had a  
18 difficult time with the students?

19 A Yes.

20 Q And --

21 A Certain students. Not all of them.

22 Q And some of the students that you had problems with,  
23 actually all the ones you had problems with, would be listed  
24 on this exhibit with the disciplinary referrals, correct?



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1 A Yes.

2 Q And in addition to Jonathan White, you had other  
3 students that you had referred for criminal prosecution,  
4 correct?

5 A Yes.

6 Q And who were they?

7 A Can I look at that list?

8 Q Sure.

9 A I forget the names after a while.

10 What do you mean by criminal?

11 Q Did you ever refer any of them for any kind of  
12 proceedings outside the school?

13 A I didn't refer it. It's -- the school police, AJ,  
14 said that it had to be referred.

15 Q And which ones had to be referred?

16 A Cesar Arrendondo, Deshawn Chase, Jonathan White.  
17 That's all I see on here.

18 Q And what were the circumstances that Cesar  
19 Arrendondo got referred to by the police?

20 A He was -- he was on the opposite side of the door.  
21 I was in my classroom. And he was actually in the other  
22 teacher's class at the time. And I believe there was a sub  
23 there in the other class. The two classrooms were  
24 connected. And the other class was extremely bad. Throwing



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1 A Yes.

2 Q And as you said before, you're aware that the  
3 special ed students, their behavior a lot of times is a  
4 manifestation of their disability, correct?

5 A Does it give them an excuse to do what they do?

6 Q I'm asking you a question. You're aware of that,  
7 correct?

8 A Yes. But I'm not saying that that excuses them from  
9 doing what they did to me. Absolutely not.

10 Q I didn't say that excuses it. My question was,  
11 you're aware that that's a manifestation of their  
12 disability, correct?

13 A Yes.

14 Q And you're aware the school district has an  
15 obligation to teach all children, if it can, correct?

16 A Yes.

17 Q No child left behind, and other statutes like that?

18 A Yes. And that the administration has a duty also to  
19 protect the teachers at the same time.

20 Q And you made referrals and there were suspensions,  
21 correct?

22 A Very few. No. See, why there is so many referrals  
23 is because I had to complain that many times to have  
24 something done. That's why.



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1 educational diagnostician for Dickinson High School.

2 Ms. Kristen Norton. Ms. Mongelli was present. The purpose  
3 of the meeting was to see if assistance could be provided to  
4 Ms. Mongelli, who was experiencing classroom management  
5 issues. I removed several students from Ms. Mongelli's  
6 class, including --

7 Q And it shows initials?

8 A Yeah. I know who they are, though. And they were  
9 also put back into my class.

10 Q Let's break it down.

11 There was a meeting on February 24th?

12 A Yes.

13 Q And you recall that meeting?

14 A Not the exact date. But I do recall the meeting.

15 Q And it was shortly after you had taken over the  
16 classroom on a temporary contract for the 2004 school year?

17 A Yes.

18 Q And you do remember the meeting. And was it correct  
19 that the purpose of the meeting was to see if there could be  
20 assistance for you because you were experiencing classroom  
21 management issues; is that accurate?

22 A No. Because some of the students were not getting  
23 along in the class. And I thought they would be better in  
24 different classes. They just basically changed it to



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1 another classroom.

2 Q Who requested the meeting?

3 A I did.

4 Q And was the purpose of that to request some of the  
5 students be changed to different classrooms?

6 A Yes.

7 Q Okay. So the school district representatives,  
8 administrators, complied with that request at the meeting  
9 and took certain students out?

10 A Yeah, they did.

11 Q And the ones that are listed there by initials were  
12 put in other classes?

13 A And then returned to my class, yes.

14 Q And when were they returned to the class?

15 A Because they wanted to come back.

16 Q I said when.

17 A Maybe about like a month later.

18 Q And when they came back, were they disciplinary  
19 problems again?

20 A Yes.

21 Q Were they taken out?

22 A I'm not sure if it was all three. I'm not sure who  
23 this is.

24 Q Did all of them come back?



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1 A He was one of the first students that I talked  
2 about.

3 Q At the meeting on February 24th?

4 A Yes.

5 Q Do you have a recollection of talking about Jonathan  
6 White?

7 A Yes, I do.

8 Q And what did you say?

9 A I said that he can't keep his hands off the other  
10 students. His language is disgusting. I brought up every  
11 one of them. And him I brought up maybe the first week that  
12 I was teaching there. Because he had a fight with another  
13 kid. Eric Rettig, the other kid that was suspended, they  
14 were both drug addicts. So he threatened the other kid  
15 because he didn't give him money for the drugs. And I went  
16 and I told -- I told Chad and I told John Kennedy. He said  
17 he threatened him. I said if you were to do this on the  
18 streets of Wilmington, you would be dead.

19 So I complained about Jonathan White at that  
20 meeting and way before that.

21 Q So you had only been in the position about a month?

22 A Right.

23 Q By that meeting?

24 A Right.



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1 A I verbally -- well, if you go on. This is, you  
2 know, you're not asking me to read the whole paragraph.

3 Q I'm dealing with the first sentence right now. Is  
4 that first sentence accurate?

5 A No.

6 Q What's inaccurate about the first sentence?

7 A Because this was ongoing. He is acting like I told  
8 him that was the first time that I told him anything.

9 Q Reading the first sentence, he says you verbally  
10 reported several incidents of inappropriate conduct by JW in  
11 class that had taken place over the preceding two weeks.

12 Did you verbally report several incidents of  
13 inappropriate conduct during that time?

14 A Yes. Yes, I did.

15 Q Now, the next sentence says, this was the first time  
16 Ms. Mongelli reported inappropriate physical conduct by JW  
17 including inappropriate physical contact of a sexual nature  
18 that occurred on 4/26, 11 days prior to Ms. Mongelli  
19 reporting the incident.

20 Is that accurate?

21 A Absolutely not.

22 Q Okay. What's inaccurate about it?

23 A I reported physical contact to him. He didn't only  
24 sexually assault me, he did to other students. He had his



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1 hands on even boys constantly. I told him about what he did  
2 to another girl in the class. It was a sexual thing. At  
3 other times.

4 Q Is it accurate that's the first time you reported  
5 inappropriate physical contact involving you personally?

6 A No. I gave him the referrals. That was not the  
7 first time.

8 Q The first time you reported it in writing before  
9 that date?

10 A Yes.

11 Q And what day did you first submit a referral  
12 indicating that you had been physically contacted  
13 inappropriately?

14 A On the first date. That's where I have the  
15 referrals, on the first date.

16 Q Okay. We've got Exhibits 1 through 7. Tell me the  
17 first date --

18 A And there is one that's missing from there. Because  
19 I thought you had them.

20 Q Tell me if the first time you reported an incident  
21 involving sexual contact or inappropriate contact that was  
22 sexual in nature was April 26, 2004, as shown by Exhibit 1?  
23 Was that the first written report?

24 A Yes, the first written report.



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1 Q And did you give that to Mr. Kennedy?

2 A Yes, I did.

3 Q On April 26th?

4 A Yes. This one.

5 Q Okay. The other reports involving the alleged  
6 inappropriate contact, did you give those to Mr. Kennedy on  
7 the date that's indicated on those reports?

8 A Yes.

9 Q So you didn't give him several reports at once as he  
10 indicates here?

11 A No.

12 Q And do you know why he would say that?

13 A No. I put it in his box as teachers are supposed to  
14 do.

15 Q So you took --

16 A I had been to him before and he showed me this whole  
17 pile of referrals. He said he doesn't have enough time to  
18 get to each one. They were all piled up.

19 Q So you took these and put them in his box?

20 A Right.

21 Q And did you follow up to tell him on April 26th  
22 verbally what happened?

23 A This one, I don't know the exact date.

24 Q The first one on April 26th?



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1 A No.

2 Q When was the first time you followed up with him  
3 verbally to ask him what was going on with your complaint of  
4 inappropriate physical contact?

5 A I believe it was May 6th.

6 Q This was a verbal report?

7 A Well, I used to talk to him three times a week. So  
8 it's not the first time a verbal report, you know, he is  
9 always busy. So I said, I'd like to speak to you. And I  
10 said that during these. But when I sat down and sat a long  
11 time with him, it was on May 6th.

12 Q Okay. So on May 6th. And that's when you said that  
13 Jonathan White had engaged in inappropriate contact with you  
14 of a sexual nature?

15 A Right.

16 Q And what did he do?

17 A He wrote it down what I said.

18 Q And then what happened?

19 A He wrote it down and he said, I'd have to  
20 investigate it. Oh, he has got to speak to Chad. He has to  
21 speak to Mr. Carmack about this, what he wants to do with  
22 this.

23 Q And was the conversation on May 6th, the end of the  
24 day?



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1 A Yeah, it had to be. Yes, it was.

2 Q So the following day, May 7th, Mr. Kennedy began to  
3 investigate these allegations?

4 A I don't know when he did. I don't know. This kid  
5 was in my class, though, the next day.

6 Q And what was the last day that the kid was in your  
7 class?

8 MR. BERNSTEIN: You're talking about JW?

9 MR. WILLOUGHBY: Right.

10 THE WITNESS: He came the next day and I asked,  
11 I said, John, after everything we talked about yesterday,  
12 why is he in my class today. He said, oh, I forgot. And I  
13 said, how could you forget something like that? And I  
14 just -- I walked away. I just had it with them. And he  
15 also -- after this, he came up when I was in the library,  
16 Jonathan White, to take -- he came up. He was sent up to my  
17 class during test taking.

18 BY MR. WILLOUGHBY:

19 Q Backing up. After May 7th, is that the last day  
20 that he was in your regular class, Jonathan White?

21 A Yes.

22 Q After that, he was removed, you never had him again  
23 as a student other than that library testing?

24 A Right.



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1 A Do you have a copy of that?

2 Q Did you receive a copy of a contract or anything  
3 else involving the union and the school district?

4 A The union?

5 Q Um-hmm.

6 A Do you mean the contract itself?

7 Q Yes.

8 A Oh, yes. The teaching contract?

9 Q Yes.

10 A Yes.

11 Q Did you file a grievance with the school district at  
12 any point from January of 2004 and June of 2004 concerning  
13 the treatment that you say occurred in your classroom?

14 A Yeah. I went to the principal.

15 Q You filed these disciplinary reports? Did you file  
16 a union grievance?

17 A A union grievance?

18 Q Yes.

19 A No.

20 Q And did you file any complaint under the student  
21 code of conduct or any other policy other than just  
22 submitting the student referral, student disciplinary  
23 referrals?

24 A No.



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1 Q So basically what you did to complain was submit the  
2 referral and have verbal conversations with Mr. White? I'm  
3 sorry, Mr. Kennedy?

4 A Yes.

5 Q And that was true as of the time you got your letter  
6 in June of 2004 that you were going to be terminated?

7 A Is what?

8 Q That was correct, that was the case when you got  
9 your letter in June of 2004 that you were being terminated  
10 because you didn't have certification?

11 A Yes.

12 Q So the first time you actually filed an allegation  
13 of sexual harassment followed that in June of 2003 other  
14 than these student reports, is that correct?

15 A No. They terminated the job after these reports.

16 Q The charges of discrimination with the EEOC that you  
17 filed?

18 A Yes.

19 Q You filed after you were terminated?

20 A Yes.

21 Q And what you did in the way of giving the school  
22 district notice of your complaints concerning Jonathan  
23 White's behavior was to submit the student referral forms,  
24 correct?



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1 A Yes.

2 Q Nothing beyond that?

3 A No.

4 Q Let's go back to the previous exhibit there. That  
5 is Exhibit 16. And we were at the bullet point at the  
6 bottom of the page, going to the top of the next page. I  
7 think we read the first sentence. Reading down that next --  
8 the rest of that paragraph. Read that to yourself and tell  
9 me if you disagree with what Mr. Kennedy has written here,  
10 and if so, why you disagree with that?

11 A Read the whole thing?

12 Q Yeah, take your time and read it to yourself.

13 Just focus on this one bullet before we go on  
14 to the next one.

15 A Which one?

16 Q The one you're reading, the long paragraph that  
17 starts at the top of the first page and we covered that and  
18 now we are on the second page, which is D226, that long  
19 bullet point there.

20 A Yeah. I mean it's physical contact. That's okay.  
21 But not just with me. I reported with other students before  
22 that.

23 Q All right. Anything else before we get down to the  
24 sentence that says, it's important to note the following.



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1 that you submitted them on the dates that were written on  
2 the reports?

3 A Yes.

4 Q And you put them in Mr. Kennedy's in box?

5 A Yes.

6 Q All right. Tell me what else you believe is  
7 inaccurate?

8 A I know he came to me one of those testing dates.  
9 I'm not sure which one.

10 Q That's what we talked about before, the one in the  
11 library?

12 A Right.

13 Q Okay. Anything else in that bullet point that's  
14 inaccurate, to your belief?

15 A I don't know who he interviewed.

16 Q Okay.

17 A That's all his doing. He interviewed students. He  
18 brought Jon White to his office.

19 Q Were you aware of any of those things?

20 A No.

21 Q You didn't know he interviewed students?

22 A I heard -- overheard one of them talking.

23 Q Who did you overhear talking?

24 A I don't know at this time. But I just heard them.



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1 A Was arrested and charged with unlawful sexual  
2 contact third degree, sexual harassment and offensive  
3 touching. A superintendent's student conduct report was  
4 filed.

5 Q Is that accurate?

6 A I don't know if they filed that.

7 Q Do you know he was arrested and charged with  
8 various --

9 A I know he was arrested. I didn't know exactly for  
10 what, though.

11 Q You got a notice from the Court later on?

12 A From the Court, right.

13 Q But you know from your conversations with the SRO  
14 that he was going to be arrested?

15 A Yes.

16 Q Okay. The next Berger dot?

17 A I have no idea that went on, no.

18 Q You weren't involved in that?

19 A No.

20 Q And you don't know anything about that?

21 A Nope.

22 Q All right. The next Berger dot?

23 A Notified the situation. Made my reports. What do  
24 you mean? The situation meaning --



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1 Q Well, this is what Mr. Kennedy wrote. It seems to  
2 me he was saying that you were notified about what the  
3 outcome of the investigation was and what was going to be  
4 done.

5 A I don't know everybody. I had no idea that all  
6 these other people were notified.

7 Q But you were notified?

8 A I'm the one that wrote the reports.

9 Q You were notified of what the outcome of the  
10 investigation was and that JW was going to be arrested?

11 A Only from -- not from John Kennedy, from --

12 Q From the SRO?

13 A Yes.

14 Q And you don't know who else was notified?

15 A No.

16 Q Did you have conversations with any of the other  
17 people listed here in that?

18 A No.

19 Q So you didn't talk to the DED, the school  
20 psychologist, the principal or the two assistant  
21 superintendents?

22 A No. They were all quiet. They seemed like they  
23 didn't want to speak to me. If I passed by, they would just  
24 look the other way.



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1 A Yes.

2 Q And what is that?

3 A That's the Department of Education initial license,  
4 teacher of early childhood/primary K to 4.

5 Q So that's not the special education license?

6 A Right.

7 Q That's the early childhood education primary K to 4?

8 A Right.

9 Q And when did you request this and why?

10 A The school district requested this.

11 Q Okay. In connection with your employment prior to  
12 taking on the special ed position at Dickinson?

13 A No. It's when I accepted the job. They said --

14 Q Accepted which job?

15 A At Dickinson.

16 Q As a substitute or in the special ed?

17 A No, in the special ed.

18 (Mongelli Deposition Exhibit No. 19 was  
19 marked for identification.)

20 BY MR. WILLOUGHBY:

21 Q And Exhibit 19 is what?

22 A Department of Education State of Delaware emergency  
23 certificate for teacher of exceptional children.

24 Q So that's the emergency certificate for the special



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1 ed assignment?

2 A Yes.

3 Q And did you receive a copy of this?

4 A Yes.

5 Q And directly from the Department of Education?

6 A Yes.

7 (Mongelli Deposition Exhibit No. 20 was marked  
8 for identification.)

9 BY MR. WILLOUGHBY:

10 Q Let me ask you to look at Exhibit 20. And this was  
11 a document that you had produced to us, or your lawyer had.  
12 It's marked Mongelli 11. Let me ask you if you can identify  
13 that? How did you obtain a copy of that document? Was it  
14 given to you or did you receive it from some other source?

15 A Did I give this to you?

16 MR. BERNSTEIN: I can't answer that.

17 BY MR. WILLOUGHBY:

18 Q You had to because it says Mongelli at the bottom.

19 A Oh, it must be from Rudy Norton when we went through  
20 my personnel file in June.

21 Q Okay. So you and Mr. Norton, who was the DSEA  
22 representative --

23 A Yes.

24 Q Went through your personnel file at the Red Clay



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1 School District?

2 A Right. And made copies.

3 Q And this is a copy in that file?

4 A Yes.

5 Q And this is a letter or a form submitted by the  
6 school district to DOE.

7 Let me ask you to read the bottom two  
8 paragraphs.

9 A It says, I'm aware that the district must send a  
10 letter to the Office of Professional Accountability  
11 reporting on the progress of the educator and meeting  
12 certification requirements. Documentation should include  
13 copies of transcripts and the summative evaluation.

14 If the educator has an unsatisfactory  
15 evaluation or makes no attempt to satisfy the certification  
16 requirements, the emergency certificate will be suspended.

17 Q Okay. Did you ever have conversations with anybody  
18 at the school district about the subjects listed there,  
19 either before or after you saw this document?

20 A Well, I gave them all my copies of transcripts.

21 Q Well, you just read that the district has got to  
22 send the Office of Professional Accountability report of the  
23 progress in meeting certificate requirements?

24 A Right. Oh, yes. Stephanie Armstrong told me this.



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1 Right.

2 Q And she is who?

3 A She is the assistant principal at Dickinson.

4 Q All right.

5 A Or was.

6 Q Do you know where she is now?

7 A She is at one of the middle schools. I think she is  
8 at Stanton.

9 Q When is the last time that you spoke with her?

10 A When I went to sub there.

11 Q At Stanton?

12 A Yes. In September.

13 Q Of '04?

14 A '04, yes.

15 (Mongelli Deposition Exhibit No. 21 was  
16 marked for identification.)

17 BY MR. WILLOUGHBY:

18 Q Let me ask you to look at Exhibit 21. And this is a  
19 letter saying that your contract is going to be changed from  
20 temporary to regular. Do you see that?

21 A Yes.

22 Q And you received that?

23 A Yes.

24 Q And did you receive it shortly after or on May 13th?



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1 Q Chad, Stephanie, James and who was it?

2 A James Realer. And John Kennedy.

3 Q Anybody else?

4 A Let me think. No.

5 Q Tell me about your conversations concerning the  
6 May 13th letter changing your contract from temporary to  
7 regular that you had with Chad Carmack?

8 A This is when I brought -- oh, first I called -- oh,  
9 and Debra Davenport on the phone, yes.

10 Q Okay. Let's start with Chad.

11 A Okay. I said Debra Davenport told me to ask you  
12 what position that he would put me in for next year. He  
13 said, no, he said, we are not hiring any new teachers for  
14 next year. He said, there is a hold on hiring new teachers.  
15 His exact words.

16 Q What did you interpret that to mean, any new  
17 teachers or just special education teachers. He just  
18 thought he meant any new teachers. I said, I also teach  
19 English?

20 A I said I could teach an English class. So then I  
21 thought he meant any teacher. He said, no, there is a hold.  
22 He said, they are not hiring. And that was the first  
23 conversation that I had with him.

24 Q Why did you go to him when you got that letter?



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